

Original

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
J.S.D.C.-Atlanta

FEB 04 2005

TISA SCHUURMAN

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Plaintiff,

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Civil Action

vs.

No. 1:04-CV-2799

FOUNDATION TECHNOLOGY
SERVICES, LLC

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*

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Defendant.

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LUTHER B. COOPER, Clerk
By: Deputy Clerk



APPLICATION FOR ENTRY OF DEFAULT

COMES NOW Plaintiff Tisa Schuurman and pursuant to Fed. R. Civ. P. 55

(a) requests that the Clerk enter a default against Foundation Technology Services, Inc. for failure to appear or otherwise defend. In support of this application plaintiff shows the Clerk the following:

1. Plaintiff filed her Complaint on July 23, 2004.
2. Defendant Foundation Technology Services, LLC was served with the Summons and Complaint on September 12, 2004 by serving its registered agent Charles M. Rugiero at his usual place of abode located at 7299 Sentinae Chase Drive, Roswell, GA 30076.
3. The defendant has failed to answer or otherwise defend against the

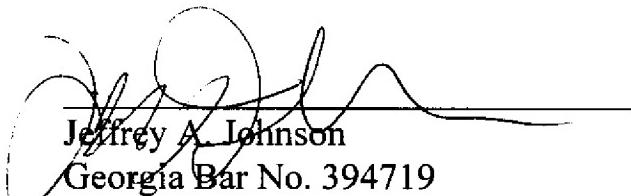
Complaint within the time permitted by the Federal Rules of Civil Procedure and is subject to entry of default.

4. The Declaration in Support of Entry of Default of Jeffrey A. Johnson is attached as Exhibit A.

WHEREFORE, the Plaintiff requests the Clerk to enter default against defendant Foundation Technology Services, Inc.

This the 4th day of February, 2005.

Respectfully submitted,



Jeffrey A. Johnson
Georgia Bar No. 394719
Attorney for Plaintiff

331 Washington Avenue
Marietta, GA 30060
(770) 919-0517

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TISA SCHUURMAN

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Plaintiff,

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Civil Action
No. 1:04-CV-2799

vs.

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FOUNDATION TECHNOLOGY
SERVICES, LLC

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Defendant.

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DECLARATION IN SUPPORT OF ENTRY OF DEFAULT

Jeffrey A. Johnson makes the following declaration under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. My name is Jeffrey A. Johnson and I am over the age of eighteen. I am counsel for Plaintiff Tisa Schuurman in this action, and have personal knowledge of the facts set forth in this declaration.
2. Plaintiff filed her Complaint on July 23, 2004.
3. Defendant Foundation Technology Services, LLC was served with the Summons and Complaint on September 12, 2004 by serving its registered agent Charles M. Rugiero at his usual place of abode located at 7299 Sentinae Chase Drive, Roswell, GA 30076. A true and correct copy of the Return of Service executed by a process server employed by Professional Process Service of

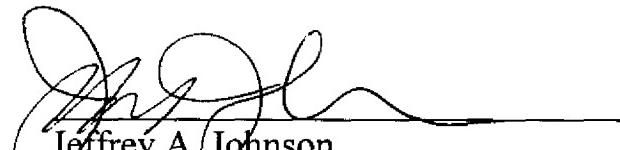
Georgia, Inc. is attached as Exhibit 1.

4. The defendant has failed to answer or otherwise defend against the Complaint within the time permitted by the Federal Rules of Civil Procedure and is subject to entry of default.

4. This declaration in Support of Entry of Default is executed by Jeffrey A. Johnson in accordance with Fed. R. Civ. P. 55 (a) for the purpose of enabling Plaintiff to obtain an entry of default against Defendant for its failure to answer or otherwise defend against the petition.

This the 4th day of February, 2005.

Respectfully submitted,



Jeffrey A. Johnson
Georgia Bar No. 394719
Attorney for Plaintiff

331 Washington Avenue
Marietta, GA 30060
(770) 919-0517

FAU 440 (Rev. 10/93) Summons in a Civil Action

UNITED STATES DISTRICT COURT

NORTHERN

District of GEORGIA

TISA SCHUURMAN

SUMMONS IN A CIVIL CASE

v.

FOUNDATION TECHNOLOGY
SERVICES, LLC

CASE NUMBER:

1:04-CV-2155

TO: (Name and address of Defendant)

FOUNDATION TECHNOLOGY SERVICES, LLC
Registered Agent: Charles M. Ruggiero
7290 Sentinæ Chase Dr.,
Roswell, GA 30076

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

JEFFREY A. JOHNSON
331 Washington Avenue
Marietta, GA 30060

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

EXHIBIT

1

LUTHER D. THOMAS

JUL 26 2004

DATE

CLERK

AO 440 (Rev. 1/90) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and Complaint was made by me	Date
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9/12/04

Name of Server (Print)	Title
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Anthonio Hightower

PRIVATE PROCESS SERVER

Check on box below to indicate appropriate method of service

Name: _____

Served personally upon the defendant. Place where served: _____

Left copies thereof at the defendant's: _____ dwelling house
 or usual place of abode with a person of suitable age and discretion then residing therein.
 Name of person with whom the summons and complaint were left: _____

Returned unexecuted: _____

Other specify: Corporate Served Foundation Technology Services, LLC by serving its' Registered Agent, Charles M. Ruggiero at his usual place of abode located at 7290 Sentinac Chase Drive, Roswell, GA 30076

STATEMENT OF SERVICE FEES

Travel	Services	Total
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct

Executed on: 9/12/04

Anthonio Hightower SR.

Signature of Server

Professional Process Service of Georgia, Inc.
 925 Main Street, Suite 210
 Stone Mountain, GA 30082

Document served: Summons in a Civil Case; Complaint and Jury Trial Demand; Notice Consent, and Order of Reference Excercise of Jurisdiction by a United States Magistrate Judge and Instruction Regarding Pretrial Proceedings

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TISA SCHUURMAN

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Plaintiff,

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Civil Action
No. 1:04-CV-2799

vs.

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FOUNDATION TECHNOLOGY
SERVICES, LLC

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Defendant.

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ENTRY OF DEFAULT

Based upon the record in this case, it appears that Defendant Foundation Technology Services, LLC is in default for failure to answer, defend, or otherwise plead in this action as required by law.

Default is hereby entered against the Defendant.

This _____ day of February, 2005.

Clerk, United States District Court
For the Northern District of Georgia

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TISA SCHUURMAN

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Plaintiff,

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Civil Action
No. 1:04-CV-2799

vs.

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FOUNDATION TECHNOLOGY
SERVICES, LLC

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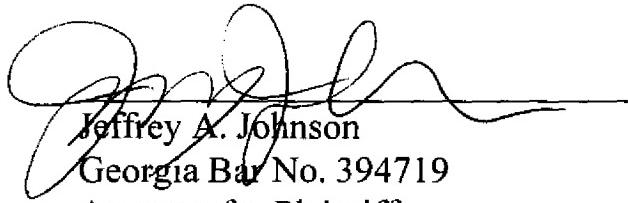
Defendant.

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CERTIFICATE OF SERVICE

This is to certify that this 5th day of February, 2005, I served a copy of the foregoing **Application for Entry of Default and Entry of Default** by first-class mail, with adequate postage prepaid, upon the following persons or entities at the addresses stated:

Foundation Technology Services, LLC
c/o registered agent, Charles M. Rugiero
7299 Sentinae Chase Drive
Roswell, GA 30076.


Jeffrey A. Johnson
Georgia Bar No. 394719
Attorney for Plaintiff

331 Washington Avenue
Marietta, GA 30060
(770) 919-0517